

Sent on 5 October 2009 by Carmen MacDougall, The Harbour Group, to approximately 50 recipients including think tank experts, select media and others interested in non-proliferation and nuclear energy.

Greetings - I wanted to make sure you were aware that the UAE passed its new nuclear energy law yesterday. This creates the legal framework for a number of the UAE commitments regarding its nuclear energy program, including the commitment not to reprocess or enrich. Below, I've cut-and-pasted the article from the Wall Street Journal and the official UAE announcement. Best, Carmen

#### U.A.E. passes nuclear-energy law

By Nour Malas

5 October 2009

Wall Street Journal

<http://online.wsj.com/article/SB125473014380463945.html>

ABU DHABI -- The United Arab Emirates on Sunday issued a nuclear-energy law that brings the oil-rich Persian Gulf state a step closer to implementing a peaceful nuclear-energy program and establishes a local regulatory authority to oversee it.

The Federal Law Regarding the Peaceful Uses of Nuclear Energy provides for "the development of a robust system for the licensing and control of nuclear material," and criminal penalties for its misuse, the Ministry of Presidential Affairs said in a statement.

Federal Law No. 6, which was issued by U.A.E. President Sheikh Khalifa bin Zayed Al Nahyan, establishes the independent Federal Authority of Nuclear Regulation to oversee the country's nuclear energy sector, and appoints the regulator's board.

It also reiterates the U.A.E.'s pledge not to domestically enrich uranium as part of its plans to build nuclear power plants, the first of which is slated for commercial operation in 2017. The law makes it illegal to develop, construct or operate uranium enrichment or spent fuel processing facilities within the country's borders.

"The Government is in very advanced stages of its evaluation of the potential for a peaceful nuclear energy program in the United Arab Emirates," said Hamad Al Kaabi, the U.A.E.'s permanent representative to the International Atomic Energy Agency, or IAEA, at a press briefing.

The U.A.E. government "has made a commitment in its nuclear energy law to forego domestic enrichment and reprocessing of nuclear materials," Mr. Kaabi said, adding that the country "can achieve the necessary degree of fuel security through reliance upon the mature and diverse international fuel services market without resort to domestic enrichment or reprocessing."

Mr. Kaabi also said the bilateral agreement for peaceful nuclear cooperation between the U.A.E. and the U.S., or the 123 Agreement, could come into force at the end of October, when a mandatory 90-day period of Congressional review is expected to end.

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"Depending on changes in the Congressional calendar, the mandatory review period could end as the last week in October, at which point the agreement would come into force," Mr. Kaabi said. The U.A.E. last year first announced plans to pursue a nuclear energy program to meet a projected surge in demand for electricity and sustain its economic development. It set up government bodies and drafted a policy paper and law to evaluate how best to implement the program under the IAEA's guidance.

The law passed Sunday, which had been awaiting the president's signature, "represents a key component of the necessary legal infrastructure" to begin implementing the program, the statement said.

William D. Travers, a former IAEA technical advisor and executive director of the United States' Nuclear Regulatory Commission, will serve as the U.A.E. regulator's first director general.

Meanwhile, the U.A.E. cabinet of ministers appointed the authority's management board Sunday, naming Ahmed Al Mazroui as chairman and eight other officials from across various policy disciplines as members.

"We fully understand the unrivaled importance of safety with regard to the peaceful uses of nuclear energy and are committed to ensuring that the benefits of peaceful nuclear energy ... are only made available in a manner that does not compromise public safety or the environment," Mr. Mazroui said in the statement.

The law provides "mechanisms to preserve [the authority's] regulatory independence and fiscal sustainability," including "significant legal protections designed to prevent any conflict of interests" with the board members' roles as regulators, the statement said.

It also brings into effect parts of the nuclear-energy program outlined in a policy paper in April 2008, in which the U.A.E. outlined its interest in building nuclear power plants to meet soaring electricity demand and pledged to adopt all required international agreements for a peaceful nuclear energy program.

The policy paper outlined six points on operational transparency, commitment to nonproliferation, safety and security standards, cooperation with the IAEA, cooperation with international governments and organizations, and long-term sustainability.

Annual peak demand for electricity in the U.A.E. is likely to rise to more than 40,000 megawatts by 2020, which represents a cumulative annual growth rate of about 9% from 2007 onwards, according to the paper.

#### **UAE President issues law on peaceful uses of nuclear energy**

4 October 2009

Emirates News Agency WAM

<http://www.wam.org.ae/servlet/Satellite?c=WamLocEnews&cid=1248235846630&p=1135099400124&pagename=WAM%2FWamLocEnews%2FW-T-LEN-FullNews>

ABU DHABI - His Highness Sheikh Khalifa bin Zayed Al Nahyan, President of the UAE issued Federal Law No. 6 of 2009 Regarding the Peaceful Uses of Nuclear Energy.

The law represents a key component of the necessary legal infrastructure, in accordance with the criteria set by the International Atomic Energy Agency (IAEA) as a framework for the successful implementation of a peaceful nuclear energy sector.

The law also institutionalized other elements of the UAE's policy on the evaluation and potential development of a peaceful nuclear energy program, which was published in April of 2008, including prohibiting the development, construction or operation of uranium enrichment or spent fuel reprocessing facilities within the borders of the UAE. International nuclear non-proliferation experts have described the fulfillment of this key non-proliferation commitment as an important factor in demonstrating the completely peaceful nature of the UAE's nuclear energy program. Equally worth note is the law's establishment of a safety regulator and the development of mechanisms to preserve its regulatory independence and fiscal sustainability. These are important steps in achieving the UAE's aspiration of delivering the highest standards of safety within any future peaceful nuclear energy program.

In keeping with its policy commitment to complete operational transparency, the UAE consulted closely with the IAEA, as well as the governments of major nuclear suppliers (e.g., France the US, the UK, Japan, South Korea etc.) in the development of the law. All of these parties provided valuable feedback that contributed to the development of this legislation. The law was also circulated broadly within the UAE among federal and local authorities, where additional useful feedback was provided to ensure seamless implementation.

Key features of the law include: 1) the establishment of the "Federal Authority of Nuclear Regulation", a fully independent nuclear safety regulatory authority, which aims to oversee the nuclear energy sector in the state and to promote the highest standards of nuclear safety, nuclear security and radiological protection; 2) the development of a robust system for the licensing and control of nuclear material; and 3) the criminalization and assignment of harsh civil and criminal penalties for violating the law, including the unauthorized use, theft, transport or trade in nuclear materials.

In conjunction with the passage of the Federal Nuclear Law Regarding the Peaceful Uses of Nuclear Energy, the Cabinet of Ministers also passed a resolution appointing the members of the Board of Management for the new regulatory body. The Board of Management, which will be led by H.E. Dr. Ahmed Al Mazroui as Chairman, includes: 1. H.E. Abdulla Nasser Al Suwaidi - Deputy Chairman 2. Mr. Ali Shaer Sultan Al Dhaheri - Member 3. H.E. Saif Mohamed Al Zaabi - Member 4. H.E. Majid Ali Al Mansouri - Member 5. H.E. Ambassador Hamad Ali Al Kaabi - Member 6. Dr. Abdulkader Ibrahim Abdulla Al Khayat - Member 7. Dr. Ali Mohamed Shaheen, - Member 8. Representative of the Ministry of Environment and Water - Member The newly-appointed members of the Board of Management bring deep experience in various disciplines, including: public health, environmental protection, energy, industry, research and academia.

Under the law, members of the Board of Management enjoy significant legal protections designed to prevent any conflicts of interests with their role as regulators, as well as to preserve their independence in making regulatory or licensing decisions. As one of its first steps, the newly convened Board of Management confirmed the appointment of Dr. William D. Travers as the first Director General of the new nuclear regulatory body. Dr. Travers, previously served as a senior technical advisor at the IAEA, as well as the Executive Director for Operations of the Nuclear Regulatory Commission (NRC) of the United States, which is considered one of the leading regulatory bodies in the world.

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Upon the formation of the Federal Authority for Nuclear Regulation, H.E. Dr. Ahmed Al Mazroui, the newly appointed Chairman of the Board of Management stressed the importance of safety in developing a nuclear energy sector in the UAE. "We fully understand the unrivaled importance of safety with regard to the peaceful uses of nuclear energy and are committed to ensuring that the benefits of peaceful nuclear energy, whether within the areas of electricity generation, medicine, industry or agriculture, are only made available in a manner that does not compromise public safety or the environment", Al Mazroui said. He also thanked the President, His Highness Sheikh Khalifa bin Zayed al Nahyan, as well as the Vice President and Prime Minister, His Highness Sheikh Mohamed bin Rashid Al Maktoum, for the confidence that they had shown in the newly appointed board. "

*This e-mail is distributed by the US-Emirates Alliance/The Harbour Group on behalf of the Embassy of the United Arab Emirates and the Executive Affairs Authority of the Government of Abu Dhabi. Additional information is on file with the Department of Justice, Washington, D.C.*